

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ROY SCOTT,

Plaintiff,

v.

PACIFIC COUNTY,

Defendant.

CASE NO. 05-5029 MJP

ORDER

On November 30, 2011, the Clerk of the Court received a proposed complaint (Dkt. No. 127) and a certificate (Dkt. No. 128) constituting a “signed affidavit... verifying under penalty of perjury that none of the issues raised in the proposed complaint have been litigated in the past by plaintiff,” as required by an April 5, 2005 bar order.

Plaintiff is a civil detainee currently housed at the Special Commitment Center operated by the State of Washington. The complaint concerns allegations of retaliation for a lawsuit against proposed defendant Cunningham and sets forth a variety of incidents (including seizure of Plaintiff’s computer, television, media (CD/DVDs) and backup files, plus fraudulent misconduct violations and inequitable frivolous conditions on Plaintiff’s access to the mailroom

1 at the facility). Although it appears that he may have brought similar allegations in the past¹ (*see*
2 Dkt. No. 119), those allegations never proceeded to active litigation status. The complaint found
3 at Dkt. No. 119 was never permitted to be filed and the next, amended complaint (*see* Dkt. No.
4 122) – on which Plaintiff was permitted to proceed – was stripped of these retaliatory allegations.

5 It appears that Plaintiff has included a filing fee with this proposed complaint, thus the
6 restrictions applicable to any proposed *in forma pauperis* action (*see* C04-5147, Dkt. No. 170, p.
7 4) are not in play here.

8 The undersigned finds that the issues raised in the proposed complaint filed at Dkt. No.
9 127 do not appear to have been previously litigated by Plaintiff and may proceed subject to the
10 other requirements imposed by the April 5, 2005 Order Adopting Report and Recommendation.
11 Id. The Clerk of the Court shall docket this order in MC05-5029 and open a new cause of action
12 containing all documents related to Plaintiff's November 30, 2011 submissions (Dkt. Nos. 127,
13 128, 129 and the filing fee).

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15 The clerk is ordered to provide copies of this order to the parties and all counsel.

16 Dated this 9th day of December, 2011.

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20 Marsha J. Pechman
21 Chief United States District Judge
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24 ¹ It is difficult to ascertain with complete certainty whether the allegations are duplicative because Plaintiff provides no dates for any of the alleged incidents.